

**RULES AND REGULATIONS**

PROCEDURE NO. 117-25

TRAFFIC PATROL TECHNIQUES

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PURPOSE: To establish for traffic patrol techniques.

UNIFORM TRAFFIC ENFORCEMENT POLICY**A. GENERALLY**

1. The ultimate aim of traffic law enforcement is to achieve voluntary compliance with traffic laws and regulations.
2. This policy cannot and should not supplant officer judgment, for it is impossible to foresee every conceivable situation involving traffic violations.
3. In unusual circumstances, the officer must decide what enforcement action is proper based on a combination of training, experience, and common sense.
4. While certain units may specialize in traffic enforcement, responsibility for traffic enforcement is shared by all uniformed personnel.
5. Subject to the officer's discretion, as stated in Section I, violations shall be enforced for both off-road and on-the-street violations as mandated by the laws of the State of Alabama and the City of Birmingham.

B. Hazardous Violations

1. Some traffic violations pose a more serious threat to the safety of motorists and pedestrians, such as:
 - a. Driving Under the Influence of Alcohol or Drugs.
 - b. Violations involving excessive speed.
 - c. Violations involving the operation of motor vehicles in a wanton and reckless manner without regard for life or property.
 - d. Multiple violations committed by the same person.

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 01/29/2024 Trial
 Plaintiff Exhibit No. 5





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e. Any other hazardous violations.

2. Officers stopping persons who have committed hazardous traffic violations shall take appropriate action such as issuing a traffic citation or arresting the individual offender.

C. Non-Hazardous Violations:

1. Some traffic law violations do not pose a serious threat to safety, such as:
 - a. Minor equipment violations.
 - b. Public carrier/commercial vehicle violations of a non-hazardous nature.
 - c. Other non-hazardous violations
 - d. "OFF-ROAD" Vehicles (ATV's) Violations
2. Officers stopping persons who have committed non-hazardous violations may use discretion in determining what enforcement action is proper based on a combination of training, experience, common sense and the enforcement tolerance of the community.

D. Newly Enacted Laws and/or Regulations

1. Officers may have occasion to stop someone for violating a newly enacted law or regulation.
2. Officers stopping persons who have violated a newly enacted law may take into consideration the fact that the person may not be aware of the new law.
3. The decision of whether to write a citation or arrest an individual for violating a newly enacted law should be based on the hazard the violation presented to other citizens.



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II. TRAFFIC PATROL – GENERALLY

A. Marked Units (Visible)

1. Officers will operate patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior. Extreme emergency conditions will be the only exceptions to this practice.
2. In those areas where fixed-post observation is necessary to maximize the effectiveness of a selective enforcement effort, officers will park their vehicles in a conspicuous location and in such a manner that traffic flow is not impeded.
3. Off-street observation is prohibited except in extremely unusual circumstances and only upon the direction and approval of the shift commander.
4. Every effort will be made not to suggest the appearance of a “special trap” or “duck pond” situation.
5. Directed traffic patrol should not be arbitrary, but should be focused on areas identified through analysis, traffic accidents, or complaints.

B. Unmarked Units/Unconventional Vehicles

1. Unmarked units/unconventional vehicles may be used for traffic patrol only with the express approval of the precinct or unit commander.
2. Unmarked units may be used for routine patrol in the same manner as marked vehicles when special enforcement needs exist.
3. Speed timing or measuring devices may be used in unmarked units.
4. All unmarked units used for traffic patrol and enforcement will be equipped with both emergency lights and siren.



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III. TRAFFIC STOPS

A. Generally

1. An officer who has positioned himself behind a violator to begin the stopping procedure will notify Communications of the intended location of the traffic stop, the license number and the number of occupants of the vehicle being stopped.
2. Officers will note the license number of the vehicle on a note pad and leave it inside the patrol vehicle.
3. Officer should be thoroughly familiar with the area they are in and anticipate the appropriate location to stop the violator.
4. Consideration, when choosing an appropriate location to stop the violators, should be given to a location with ample space, appropriate lighting and every effort should be made to avoid stops on hills, curves, intersections, private drives and business locations which have limited parking.
5. Officers will signal the violator to stop:
 - a. The signal may be done with emergency lights, hand signals, sounding the horn and if necessary, the siren.
 - b. These signals alert other drivers of the intent of the officer and will usually facilitate securing the right-of-way for the stopping maneuver.
6. The violator will be signaled and directed to the right side of the roadway close to the curb, or on the shoulder of the roadway if design permits.
7. On multi-lane roadways, officers will insure the safety of the violator during lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.



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8. If the violator stops abruptly in the wrong lane or in another desirable location, he should be promptly directed to move to a safer location. Do not advise the violator to move if you suspect any of the following:
 - a. Suspected DUI
 - b. Suspected felon
 - c. Possible fight
 - d. If further movement would create a greater hazard
9. Once the violator has stopped in an appropriate location, the officer will position the police vehicle at least one-half car length behind the violator's vehicle.
 - a. The police vehicle will be positioned at a slight angle so the left front is offset approximately two (2) feet to the left of the violator's vehicle and the right rear is near the curb.
 - b. The police vehicle's position should be such as to provide maximum safety to the violator, the officer, and all other traffic.
10. Officers will exit from the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
11. The officer will approach from the rear of the violator's car and check the trunk as he/she passes to be sure it is down and latched. From the left rear of the vehicle the officer should attempt to observe the rear passenger area. After assessing this area, move to a point to the rear of the trailing edge of the left door, standing with your weapon away from the drivers to conduct the interview.



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- a. This position should be maintained if there are only occupants in the front seat of the vehicle.
 - b. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position, and at the same time keep all occupants of the vehicle in view.
 - c. A right-hand side approach is an acceptable option in those cases where passing traffic is so close to constitute a danger to the officer.
12. In those cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to a point near the leading edge of the left front door, being especially alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
 13. In those traffic stops made by two-man patrol vehicles, the passenger officer will be responsible for all radio communications, writing all notes and messages relayed from the communications center, and during the traffic stop should exit from the vehicle and act as an observer and cover for his fellow officer. At no time shall the two officers approach the violator together.
 14. At night, the procedure is basically the same with the additional necessity of exercising caution in selecting an appropriate place for the traffic stop, signaling the violator (the spotlight should not be used), and positioning the police vehicle. After the stop, the lights should be on low beam for the safety of oncoming traffic. The spotlight may be used to illuminate the interior of the violator's vehicle, if warranted.
- B. Stopping an Approaching Violator
- In the event an officer observes a traffic violation occur in



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oncoming traffic, the officer will take the following actions:

1. Drive the police vehicle safely to the extreme right portion of the roadway.
2. As the violator approaches, signal for the violator to stop.
3. Do not leave the police vehicle in an attempt to stop the violator by hand signals, as this places the officer in an extremely hazardous position.
4. If the violator observes the signal and stops, the officer will turn the police vehicle around and position it appropriately to the rear of the violator's vehicle.
5. Should the violator fail to recognize the officer's signals, the officer will turn around when this maneuver can be made safely, and pursue the violator, stopping and approaching as usual.

C. Stopping a Following Violator

In the event an officer observes a traffic violation to the rear of the police vehicle, the following procedures will be utilized:

1. The officer will drive on the right shoulder of the road.
2. As the violator approaches, the officer will remain in the patrol vehicle while he signals the violator to stop.
3. If the violator fails to stop, the officer will initiate pursuit and stop the violator in the usual manner.

D. Stopping a Known or Suspected Felon

1. When a vehicle driven by a known or suspected felon is located by a patrol officer, he will notify the communications center immediately. The officer will inform the center of the location, thorough description of the vehicle, and a description of the occupants.



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2. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop. The officer will keep support units informed of the location and direction of travel to facilitate their approach with minimal use of emergency equipment.
3. The suspect vehicle will not be stopped unless absolutely necessary until adequate support is available and in position. The following procedures will be used in effecting the stop:
 - a. The officer will plan to stop the suspect vehicle in a location, which presents minimal danger to other citizens.
 - b. When conditions are appropriate and support units available, the officer will move into position to the rear of the suspect vehicle.
 - c. The officer will signal the violator to stop, utilizing all emergency equipment to warn other traffic.
 - d. The officer will be stopped on the extreme right side of the road.
 - e. The violator will be stopped on the extreme right side of the road.
 - f. If the violator is known to be armed and dangerous, the officer will have his weapon easily accessible and ready for immediate use.
 - g. When the suspect vehicle begins to stop, the officer will turn off the siren and actuate the public address system.
 - h. The officer will park the police vehicle so that it provides maximum protection and cover for him.
 - i. At night, all lights, including spotlights, will be



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focused on the interior of the suspect vehicle to the disadvantage of the violator.

- j. The officer will exit the police vehicle quickly, but remain behind the door and accessible to the public address system microphone.
- k. The officer in command will direct each occupant, utilizing the public address system, to remove himself from the vehicle individually, according to specific directions, and into the appropriate search position, after which the approach may be made.
- l. If a public address system is not available, the officer in command will give voice commands. If they are not heard, or ignored by the suspect, the officer will wait for a backup unit prior to approaching the vehicle. The officer should not leave a position of cover to approach a felon's vehicle until assistance has arrived at the scene.
- m. The officer in command will give instructions to the support officer, even if not needed, to assure the suspects that additional support is available.
- n. The support officer will cover the arresting officer and remain on the curbside of the vehicle until all occupants have dismounted and are in the search position.
- o. The support officer will not give additional commands as this would tend to confuse the suspects, but will make his presence known by commands given by the arresting officer.
- p. Extreme caution will be exercised by officers not to get within each other's line of fire.
- q. When all occupants have been removed from the vehicle, the support officer should move to a



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position to cover the arresting officer while the persons are searched.

- r. The occupants should be ordered into a prone position face down, with their hands in the air.
- s. If terrain or room does not permit the prone position, the occupants should be ordered into a kneeling position with their legs crossed and their hands behind their heads, fingers interlaced.
- t. If subjects are in the prone position, handcuffs should be used immediately, and then the subjects should be searched thoroughly.
- u. If the subjects are in the kneeling position, a cursory search should be performed prior to handcuffing.

E. Stopping Oversize/Overweight Vehicles

In the event officers observe a traffic violation committed by an unusually large or heavy vehicle, the following procedures will be followed:

1. Pursue the vehicle from the rear in the usual manner.
2. Position the police vehicle so that the violator's attention can be gained, and signal that he is to follow the police vehicle to a stop.
3. Pull the police vehicle in front of the violator, and lead the violator to a position which is safe, or has sufficient space to contain, and is capable of supporting the weight of the special vehicle.
4. In this situation, the approach will be from the front.

F. An Officer, When Making a Traffic Stop Shall:

1. Present a professional image dress, grooming, language, and bearing.



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2. Be certain of observation of alleged violations.
3. Have the necessary equipment and reports on hand.
4. Greet the violator with appropriate title in a courteous manner.
5. First, request the driver's license; if suspect has none, ask for other identification.
6. Discuss violations and required actions.
7. Complete all the necessary reports and forms.
8. Check for signs of physical impairment, emotional distress and alcohol and/or drug abuse.
9. Assist the violator to re-enter the traffic flow safely.

IV. STOPS BY UNMARKED POLICE VEHICLES

- A. Officers operating unmarked police vehicles shall, in situations involving traffic and/or other kinds of stops, notify Communications, give his location, and request a "marked" unit to assist in stopping the vehicle if the situation permits.
- B. An officer operating an unmarked police vehicle at night and wanting to or attempting to stop another vehicle, shall:
 1. Notify Communications, give his location, description of the car to be stopped, and request a marked police unit to assist him in stopping the vehicle, and
 2. Attempt to stop the vehicle in a well-lighted public area if the situation and/or geographical location permits.

A. C. Roper, Chief of Police

BIRMINGHAM POLICE DEPARTMENT

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